

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS**

September 8, 2009

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA -6:00 PM

Call to Order, Invocation and Pledge of Allegiance

2009-312 Citizens to be Heard

2009-313 Announcements/Presentations

1. City Council/City Manager
 - a. Community Affairs calendar
 - b. Presentation of Carter Blood Care awards
 - c. Administrative Announcements related to personnel

WORKSHOP

2009-314 Review and discuss the US 287 Connector Capital Improvement Project and direct staff accordingly

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2009-315 Consider and act upon minutes from City Council meeting of August 25, 2009

2009-316 Consider and act upon a "Temporary Contract Relating to Raw Water Diversions from Joe Pool Reservoir" with Carrizo Oil & Gas, Inc. for the diversion and purchase of up to 18 million gallons of raw water for gas well drilling operations

PUBLIC HEARINGS

2009-317 Conduct a public hearing regarding the Proposed FY 2009-2010 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID), as established by Ordinance 2008-28, as authorized by Chapter 372 of the Texas Local Government Code, and act upon an Ordinance adopting the FY 2009-2010 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID) (Case No. M09-2008-49)

2009-318 Conduct a public hearing to consider and act upon an ordinance establishing the Midlothian Pedestrian Trails Master Plan, and, providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. CP03-2008-47) *(To Be Tabled)*

2009-319 Conduct a public hearing and act upon a Specific Use Permit (SUP) request to allow an electronic message sign (LED) for the Midlothian Conference Center, 1 Community Circle Drive. Property is zoned General Professional (GP) District, and is generally located south of Hwy 287, east of 14th Street and north of Mt. Zion Road, in the City of Midlothian (Case No. SUP04-2008-43)

- 2009-320 Conduct a public hearing regarding the proposed FY 2009-2010 Annual Operating Budget for the City of Midlothian and act upon an Ordinance adopting the FY 2009-2010 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2009 and ending September 30, 2010, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date

REGULAR AGENDA

- 2009-321 Consider and act upon an Ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2009-2010, at twenty-seven and 0.93 cents (\$ 0.2793) for Maintenance and Operations and thirty-seven and 0.07 cents (\$ 0.3707) for Interest and Sinking Funds, for a total of sixty-five and no cents (\$0.65), specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date; this tax rate will raise more taxes for Maintenance and Operations than last year's tax rate; the tax rate will raise taxes for Maintenance and Operations on a \$100,000 home by approximately \$23.05 per year
- 2009-322 Consider and take a vote to ratify a property tax increase as reflected in the FY 2009-2010 Annual Operating Budget when compared to the FY 2008-2009 Annual Operating Budget; this Budget will raise more total property taxes than last year's Budget by \$344,107 or 2.59%, and of that amount \$511,951 is tax revenue to be raised from new property added to the tax roll this year
- 2009-323 Consider and act upon an Ordinance of the City Council of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date
- 2009-324 Consider and act upon approving the FY 2009-2010 Midlothian Development Authority's Annual Operating Budget
- 2009-325 Consider a Resolution authorizing Lisa G. Roberts, United States Right Of Way Acquisition Company, acting on behalf of the City of Midlothian, to make a final offer in the amount of \$381,590.00 to Richard Miskimon and wife, Sheri Miskimon, for acquisition of a right-of-way parcel, in fee simple, described as 1.1812 acres, located in the John Chamblee Survey, Abstract No. 192, Midlothian, Ellis County, Texas, as shown in the proposed resolution, for an aggregate value of \$381,590.00. Said right-of-way is fully described in the proposed Resolution
- 2009-326 Consider and act upon a staff recommendation to reject all bids received for the construction of the Midlothian Conference Center signs
- 2009-327 Consider and act upon an agreement with Bristow Contracting, LLC, of Fort Worth, TX for the Skyline Water Line Replacement Project, in an amount not to exceed \$37,290
- 2009-328 Consider and act upon the purchase of 18 Solar School Zone Flashing Assemblies from Consolidated Traffic Controls, Inc. of Arlington, TX, utilizing the Houston-Galveston Area Council (HGAC) Purchasing Cooperative, in an amount not to exceed \$46,530
- 2009-329 Consider and act upon the Impact Fee Advisory Committee's Status Report to the City Council regarding the Midlothian Impact Fee Program

- 2009-330 Consider and act upon authorizing the Mayor to sign a Certification Letter to the Office of the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Texas Local Government Code, Chapter 395
- 2009-331 Consider a Resolution authorizing the Midlothian City Attorney, acting on behalf of the City of Midlothian and City of Waxahachie, to amend eminent domain proceedings against Sid Strebeck, and joining Max Thompson as an additional owner, for acquisition of 27.117 acres of land situated in the L. W. Stewart Survey, Abstract No. 997, in Ellis County, Texas; Said property to be acquired is fully described in the proposed Resolution
- 2009-332 Consider and act upon an ordinance amending the City of Midlothian's Fiscal Year 2008-2009 General Fund Budget appropriations in the amount of \$184,787.00 and the Utility Fund Budget appropriations in the amount of \$80,847.00 from the Unreserved Fund Balance for certain infrastructure costs associated with the construction of Navarro College Building II; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date

EXECUTIVE SESSION

Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
4. Section 551.072 Real Estate: Deliberation regarding condemnation of real property for U.S. Highway 67 grade separation project
5. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for utility, roadway and parks improvement projects
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al
7. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property for park land and airport purposes
8. Section 551.071 Legal: Threatened litigation against the City of Midlothian; MidWay Airport tenant
9. Section 551.071 Legal: Consultation with attorney regarding Cause No. 08-C-3999, Ken Chambers v. Boyce Whatley, Steve Massey, Joe Frizzell and the City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters

REGULAR AGENDA

- 2009-333 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-334 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-335 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202

- 2009-336 Action resulting from Executive Session, Item #4: Highway 67
- 2009-337 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-338 Action resulting from Executive Session, Item #6, Corgan Associates
- 2009-339 Action resulting from Executive Session, Item #7, Park and Airport Land
- 2009-340 Action resulting from Executive Session, Item #8, MidWay Airport tenant
- 2009-341 Action resulting from Executive Session, Item #9, Ken Chambers
- 2009-342 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 4th day of September, 2009, at or before 5:00 p.m.



Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**